

Northup	Rothman	Sununu
Norwood	Roukema	Sweeney
Nussle	Royce	Talent
Ose	Ryan (WI)	Tancredo
Oxley	Ryun (KS)	Tanner
Packard	Salmon	Tauscher
Pascarell	Sandlin	Tauzin
Pastor	Sanford	Taylor (MS)
Paul	Saxton	Taylor (NC)
Pease	Scarborough	Terry
Peterson (MN)	Schaffer	Thomas
Peterson (PA)	Sensenbrenner	Thompson (CA)
Petri	Sessions	Thornberry
Pickering	Shadegg	Thune
Pickett	Shaw	Tiahrt
Pitts	Shays	Toomey
Pombo	Sherwood	Turner
Porter	Shimkus	Upton
Portman	Shuster	Velazquez
Pryce (OH)	Sisisky	Walden
Quinn	Skeen	Walsh
Radanovich	Skelton	Watkins
Ramstad	Smith (MI)	Weldon (FL)
Regula	Smith (NJ)	Weller
Reynolds	Smith (TX)	Weygand
Riley	Smith (WA)	Whitfield
Rivers	Souder	Wicker
Roemer	Spence	Wolf
Rogan	Stearns	Young (AK)
Rogers	Stenholm	
Rohrabacher	Stump	

NOT VOTING—11

Becerra	Luther	Slaughter
Berman	Millender-	Watts (OK)
Brown (CA)	McDonald	Wynn
Gephardt	Simpson	Young (FL)

So the amendment was not agreed to.

44.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MORAN of Virginia:

Page 101, after line 9, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 154. DISCLOSURES.

(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 106, is amended by adding at the end the following:

“§ 527. Disclosures

“(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide the following notices to the assisted person:

“(1) the written notice required under section 342(b)(1) of this title; and

“(2) to the extent not covered in the written notice described in paragraph (1) of this section and no later than three business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons of the following—

“(A) all information the assisted person is required to provide with a petition and thereafter during a case under this title must be complete, accurate and truthful;

“(B) all assets and all liabilities must be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset as defined in section 506 of this title must be stated in those documents where requested after reasonable inquiry to establish such value;

“(C) current monthly income, the amounts specified in section 707(b)(2) and, in a chapter 13 case, disposable income (determined in accordance with section 707(b)(2)) must be stated after reasonable inquiry; and

“(D) that information an assisted person provides during their case may be audited pursuant to this title and that failure to provide such information may result in dismissal of the proceeding under this title or other sanction including, in some instances, criminal sanctions.

“(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) with the following statement, to the extent applicable, or one substantially similar. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

“IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER

“‘If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

“‘The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

“‘Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief made available by the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a “trustee” and by creditors.

“‘If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so and a creditor is not permitted to coerce you into reaffirming your debts.

“‘If you choose to file a chapter 13 case in which you repay your creditors what you can afford over three to five years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

“‘If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what needs to be done from someone familiar with that type of relief.

“‘Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.’.

“(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which shall be provided in a clear and conspicuous writing) to the assisted person on how to provide all the infor-

mation the assisted person is required to provide under this title pursuant to section 521, including—

“(1) how to value assets at replacement value, determine current monthly income, the amounts specified in section 707(b)(2) and, in a chapter 13 case, how to determine disposable income in accordance with section 707(b)(2) and related calculations;

“(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

“(3) how to determine what property is exempt and how to value exempt property at replacement value as defined in section 506 of this title.

“(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for two years after the date on which the notice is given the assisted person.’.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 106, is amended by inserting after the item relating to section 526 the following:

“527. Disclosures.’.

SEC. 155. DEBTOR'S BILL OF RIGHTS.

Subchapter II of chapter 5 of title 11, United States Code, as amended by sections 106 and 154, is amended by adding at the end the following:

“§ 528. Debtor's bill of rights

“(a) A debt relief agency shall—

“(1) no later than five business days after the first date on which a debt relief agency provides any bankruptcy assistance services to an assisted person, but prior to such assisted person's petition under this title being filed, execute a written contract with the assisted person specifying clearly and conspicuously the services the agency will provide the assisted person and the basis on which fees or charges will be made for such services and the terms of payment, and give the assisted person a copy of the fully executed and completed contract in a form the person can keep;

“(2) disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages or otherwise) that the services or benefits are with respect to proceedings under this title, clearly and conspicuously using the following statement: ‘We are a debt relief agency. We help people file Bankruptcy petitions to obtain relief under the Bankruptcy Code.’ or a substantially similar statement. An advertisement shall be of bankruptcy assistance services if it describes or offers bankruptcy assistance with a chapter 13 plan, regardless of whether chapter 13 is specifically mentioned, including such statements as ‘federally supervised repayment plan’ or ‘Federal debt restructuring help’ or other similar statements which would lead a reasonable consumer to believe that help with debts was being offered when in fact in most cases the help available is bankruptcy assistance with a chapter 13 plan; and

“(3) if an advertisement directed to the general public indicates that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, lease eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt, disclose conspicuously in that advertisement that the assistance is with respect to or may involve proceedings under this title, using the following statement: ‘We are a debt relief agency. We help people file Bankruptcy petitions to obtain relief under the Bankruptcy Code.’ or a substantially similar statement.’.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by sections 106 and 154, is amended by inserting after the item relating to section 527, the following:

“528. Debtor’s bill of rights.”.

It was decided in the { Yeas 373
affirmative { Nays 47

¶44.12

(Roll No. 111)

AYES—373

Abercrombie	Dixon	Kaptur
Ackerman	Doggett	Kasich
Aderholt	Dooley	Kelly
Allen	Doolittle	Kennedy
Andrews	Doyle	Kildee
Archer	Dreier	Kind (WI)
Armey	Duncan	King (NY)
Bachus	Dunn	Kingston
Baird	Edwards	Kleczka
Baker	Ehrlich	Klink
Baldacci	Emerson	Knollenberg
Ballenger	Engel	Kolbe
Barcia	English	Kucinich
Barr	Eshoo	Kuykendall
Barrett (NE)	Etheridge	LaFalce
Barrett (WI)	Ewing	LaHood
Bartlett	Farr	Lampson
Barton	Filner	Lantos
Bass	Fletcher	Largent
Bateman	Foley	Larson
Bentsen	Forbes	Latham
Bereuter	Ford	LaTourette
Berkley	Fossella	Lazio
Berry	Fowler	Leach
Biggert	Frank (MA)	Levin
Bilbray	Frelinghuysen	Lewis (CA)
Bilirakis	Frost	Lewis (GA)
Bishop	Gallegly	Lewis (KY)
Blagojevich	Ganske	Linder
Bliley	Gejdenson	LoBiondo
Blumenauer	Gekas	Lucas (KY)
Blunt	Gibbons	Lucas (OK)
Boehlert	Gilchrest	Maloney (CT)
Boehner	Gillmor	Maloney (NY)
Bonilla	Gilman	Manzullo
Boswell	Gonzalez	Markey
Boucher	Goode	Mascara
Boyd	Goodlatte	Matsui
Brady (TX)	Gordon	McCarthy (MO)
Brown (FL)	Goss	McCarthy (NY)
Brown (OH)	Graham	McCollum
Bryant	Granger	McCrery
Burton	Green (TX)	McGovern
Buyer	Green (WI)	McHugh
Callahan	Greenwood	McIntosh
Calvert	Gutierrez	McIntyre
Camp	Gutknecht	McKeon
Campbell	Hall (OH)	McKinney
Capps	Hall (TX)	McNulty
Capuano	Hansen	Meek (FL)
Cardin	Hastings (FL)	Menendez
Carson	Hastings (WA)	Metcalf
Castle	Hayes	Mica
Chabot	Hayworth	Millender-
Chambliss	Herger	McDonald
Clay	Hill (IN)	Miller (FL)
Clayton	Hill (MT)	Miller, Gary
Clement	Hilleary	Miller, George
Clyburn	Hilliard	Minge
Coble	Hinojosa	Mink
Coburn	Hobson	Moakley
Collins	Hoefel	Mollohan
Combest	Hoekstra	Moore
Condit	Holden	Moran (KS)
Cook	Holt	Moran (VA)
Cooksey	Hooley	Morella
Costello	Horn	Murtha
Coyne	Hostettler	Myrick
Cramer	Houghton	Napolitano
Crane	Hoyer	Neal
Crowley	Hulshof	Nethercutt
Cubin	Hunter	Ney
Cummings	Hutchinson	Northup
Cunningham	Hyde	Norwood
Danner	Inslee	Nussle
Davis (FL)	Isakson	Oberstar
Davis (IL)	Istook	Obey
Davis (VA)	Jackson (IL)	Olver
Deal	Jefferson	Ortiz
DeGette	Jenkins	Ose
DeLay	John	Oxley
DeMint	Johnson (CT)	Packard
Deutsch	Johnson, E. B.	Pallone
Diaz-Balart	Johnson, Sam	Pascarell
Dickey	Jones (NC)	Pastor
Dicks	Jones (OH)	Pease
Dingell	Kanjorski	Pelosi

Peterson (PA)	Sawyer	Taylor (MS)
Petri	Scarborough	Terry
Phelps	Schakowsky	Thomas
Pickering	Scott	Thompson (CA)
Pickett	Sensenbrenner	Thompson (MS)
Pitts	Serrano	Thornberry
Pomeroy	Sessions	Thune
Porter	Shadegg	Thurman
Portman	Shaw	Tiahrt
Price (NC)	Shays	Tierney
Pryce (OH)	Sherman	Toomey
Quinn	Sherwood	Towns
Radanovich	Shimkus	Trafficant
Rahall	Shows	Turner
Ramstad	Shuster	Udall (CO)
Rangel	Sisisky	Udall (NM)
Regula	Skeen	Upton
Reyes	Skelton	Velazquez
Reynolds	Smith (MI)	Vento
Riley	Smith (NJ)	Walden
Rivers	Smith (TX)	Walsh
Rodriguez	Smith (WA)	Wamp
Roemer	Snyder	Watkins
Rogan	Spence	Waxman
Rogers	Stabenow	Weiner
Rohrabacher	Stark	Weldon (FL)
Ros-Lehtinen	Stearns	Weldon (PA)
Rothman	Stenholm	Weller
Roukema	Strickland	Wexler
Roybal-Allard	Stump	Weygand
Royce	Stupak	Whitfield
Rush	Sununu	Wicker
Ryun (KS)	Sweeney	Wise
Sabo	Talent	Wolf
Salmon	Tancred	Woolsey
Sanchez	Tanner	Wu
Sanders	Tauscher	Young (AK)
Sanford	Tauzin	

NOES—47

Baldwin	Fattah	Nadler
Bonior	Goodling	Owens
Bono	Hefley	Paul
Borski	Hinchey	Payne
Brady (PA)	Jackson-Lee	Peterson (MN)
Burr	(TX)	Pombo
Canady	Kilpatrick	Ryan (WI)
Cannon	Lee	Sandlin
Chenoweth	Lipinski	Schaffer
Conyers	Lofgren	Souder
DeFazio	Lowey	Spratt
Delahunt	Martinez	Taylor (NC)
DeLauro	McDermott	Visclosky
Ehlers	McInnis	Waters
Evans	Meehan	Watt (NC)
Everett	Meeks (NY)	Wilson

NOT VOTING—13

Becerra	Gephardt	Watts (OK)
Berman	Luther	Wynn
Brown (CA)	Saxton	Young (FL)
Cox	Simpson	
Franks (NJ)	Slaughter	

So the amendment was agreed to.

¶44.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CONYERS:

Page 151, after line 24, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 416. APPLICABILITY OF CERTAIN PROVISIONS.

The provisions of title 11 of the United States Code relating to small business debtors or to single asset real estate shall not apply in a case under such title if the application of any of such provisions in such case could result in the loss of 5 or more jobs.

It was decided in the { Yeas 143
negative { Nays 278

¶44.14

(Roll No. 112)

AYES—143

Abercrombie	Berkley	Capuano
Ackerman	Bishop	Carson
Allen	Blagojevich	Clay
Baird	Bonior	Clayton
Baldacci	Borski	Clyburn
Baldwin	Brady (PA)	Conyers
Barcia	Brown (FL)	Coyne
Barrett (WI)	Brown (OH)	Crowley

Cummings	Klink	Payne
Davis (IL)	Kucinich	Pelosi
DeFazio	LaFalce	Phelps
DeGette	Lampson	Price (NC)
Delahunt	Lantos	Rahall
DeLauro	Larson	Rangel
Lee	Dingell	Reyes
Dingell	Lewis (GA)	Rivers
Doyle	Linder	Rodriguez
Edwards	Lowey	Rothman
Engel	Maloney (NY)	Roybal-Allard
Eshoo	Markey	Rush
Etheridge	Martinez	Sabo
Evans	Mascara	Sanders
Farr	McCarthy (MO)	Sawyer
Fattah	McCarthy (NY)	Saxton
Filner	McDermott	Schakowsky
Ford	McGovern	Scott
Frank (MA)	McIntyre	Serrano
Frost	McKinney	Shows
Gejdenson	McNulty	Stark
Gonzalez	Meehan	Strickland
Green (TX)	Meek (FL)	Stupak
Gutierrez	Meeks (NY)	Thompson (MS)
Hastings (FL)	Menendez	Thurman
Hilliard	Millender-	Tierney
Hinchey	McDonald	Towns
Hinojosa	Miller, George	Trafficant
Hoefel	Minge	Udall (CO)
Holden	Moakley	Velazquez
Holt	Murtha	Vento
Houghton	Nadler	Visclosky
Jackson (IL)	Napolitano	Waters
Jackson-Lee	Neal	Watt (NC)
(TX)	Oberstar	Waxman
Johnson, E. B.	Obey	Weiner
Jones (OH)	Olver	Wexler
Kanjorski	Ortiz	Woolsey
Kaptur	Pallone	Wu
Kildee	Pascarell	
Kilpatrick		
Kleczka		

NOES—278

Aderholt	Cubin	Hill (IN)
Andrews	Cunningham	Hill (MT)
Archer	Danner	Hilleary
Armey	Davis (FL)	Hobson
Bachus	Davis (VA)	Hoekstra
Baker	Deal	Hooley
Ballenger	DeLay	Horn
Barr	DeMint	Hostettler
Barrett (NE)	Deutsch	Hoyer
Bartlett	Diaz-Balart	Hulshof
Barton	Dickey	Hunter
Bass	Dicks	Hutchinson
Bateman	Dixon	Hyde
Bentsen	Doggett	Inslee
Bereuter	Dooley	Isakson
Berry	Doolittle	Istook
Biggert	Dreier	Jefferson
Bilbray	Duncan	Jenkins
Bliley	Dunn	John
Blumenauer	Ehlers	Johnson (CT)
Blunt	Ehrlich	Johnson, Sam
Boehlert	Emerson	Jones (NC)
Boehner	English	Kasich
Bonilla	Everett	Kelly
Bono	Ewing	Kennedy
Boswell	Fletcher	Kind (WI)
Boucher	Foley	King (NY)
Boyd	Forbes	Kingston
Brady (TX)	Fossella	Knollenberg
Bryant	Fowler	Kolbe
Burr	Franks (NJ)	Kuykendall
Burton	Frelinghuysen	LaHood
Buyer	Gallegly	Largent
Callahan	Ganske	Latham
Calvert	Gekas	LaTourette
Camp	Gibbons	Lazio
Campbell	Gilchrest	Leach
Canady	Gillmor	Levin
Cannon	Gilman	Lewis (CA)
Capps	Goode	Lewis (KY)
Cardin	Goodlatte	Lipinski
Castle	Goodling	LoBiondo
Chabot	Gordon	Lofgren
Chambliss	Goss	Lucas (KY)
Chenoweth	Graham	Lucas (OK)
Clement	Granger	Maloney (CT)
Coble	Green (WI)	Manzullo
Coburn	Greenwood	Matsui
Collins	Gutknecht	McCollum
Combest	Hall (OH)	McCrery
Condit	Hall (TX)	McHugh
Cook	Hansen	McInnis
Cooksey	Hastings (WA)	McIntosh
Costello	Hayes	McKeon
Cox	Hayworth	Metcalf
Cramer	Hefley	Mica
Crane	Herger	Miller (FL)